

## State Water Resources Control Board

Division of Drinking Water

May 13, 2015

Ms. Lesley Dyer  
Board President  
Mountain Springs Mutual Water Company  
17555 Greenwood Drive  
Los Gatos, CA 95033

Dear Ms. Dyer:

**CITATION NO. : 02-17-15C-018**  
**TOTAL COLIFORM MONITORING AND REPORTING VIOLATION**  
**DISINFECTANT RESIDUAL MONITORING AND REPORTING VIOLATION**  
**GROUND WATER RULE MONITORING AND REPORTING VIOLATION**

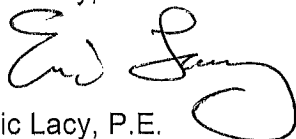
**MOUNTAIN SPRINGS MUTUAL WATER COMPANY SYSTEM NO. 4300740**

Enclosed is a citation issued to Mountain Springs Mutual Water Company. The citation is issued because the water system failed to comply with Section 64424(a) & (a)(1), Section 64534.4(a), and Section 64430, Chapter 15, Title 22, California Code of Regulations. Total coliform repeat monitoring and reporting requirements, disinfectant residual monitoring and reporting requirements, and ground water monitoring and reporting requirements were not met during April 2015.

The citation consists of seven sections: Applicable Authorities, Statement of Facts, Determination, Directives, Parties Bound, Severability and Further Enforcement Action. The Applicable Authorities, Statement of Facts, and Determination sections describe the events leading up to the issuance of the citation. The Directives section specifies what the Water System needs to do to return to compliance. The Parties Bound, Severability, and Further Enforcement Action sections describe administrative penalties to be assessed for failure to comply with the citation. No administrative penalty is levied with the current citation.

If you have any questions regarding this matter, please contact Vicki Lin at (510) 412-4685.

Sincerely,



Eric Lacy, P.E.  
District Engineer, Santa Clara District  
Division of Drinking Water  
State Water Resources Control Board

cc: Santa Clara County Environmental Health Department

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**STATE OF CALIFORNIA**  
**WATER RESOURCES CONTROL BOARD**  
**DIVISION OF DRINKING WATER**

**TO:** Mountain Springs Mutual Water Company  
17555 Greenwood Drive  
Los Gatos, CA 95033

**Attn:** Lesley Dyer, Board President  
Mountain Springs Mutual Water Company

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS, TITLE**  
**22, SECTION 64424(a) & (a)(1), SECTION 64534.4(a), SECTION 64430 - WATER**  
**SYSTEM NO. 4300740**  
**C I T A T I O N   N O .   02-17-15C-018**  
**Issued on May 13, 2015**

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit or order issued or adopted thereunder.

The State Water Resources Control Board, acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues a citation to Mountain Springs Mutual Water Company (hereinafter, MSMWC) (17555 Greenwood Drive, Los Gatos, CA



1  
2 95033) for violation of California Code of Regulations (CCR), Title 22, Section  
3 64424(a) & (a)(1), and Section 64430.

4  
5 **APPLICABLE AUTHORITIES**

6 **Section 116650 of California Health and Safety Code provides:**

7  
8 (a) If the department determines that a public water system is in violation  
9 of this chapter or any regulation, permit, standard, citation, or order issued or adopted  
10 thereunder, the department may issue a citation to the public water system. The  
11 citation shall be served upon the public water system personally or by certified mail.  
12 Service shall be deemed effective as of the date of personal service or the date of  
13 receipt of the certified mail. If a person to whom a citation is directed refuses to accept  
14 delivery of the certified mail, the date of service shall be deemed to be the date of  
15 mailing.

16 (b) Each citation shall be in writing and shall describe the nature of the  
17 violation or violations, including a reference to the statutory provision, standard, order,  
18 citation, permit, or regulation alleged to have been violated.

19 (c) A citation may specify a date for elimination or correction of the  
20 condition constituting the violation.

21 (d) A citation may include the assessment of a penalty as specified in  
22 subdivision (e).

23 (e) The department may assess a penalty in an amount not to exceed  
24 one thousand dollars (\$1,000) per day for each day that a violation occurred, and for  
25 each day that a violation continues to occur. A separate penalty may be assessed for  
26 each violation.  
27



1  
2 **California Code of Regulations, Title 22, Section 64424, subsection (a) provides,**  
3 **in relevant part:**

4  
5 (a) If a routine sample is total coliform-positive, the water supplier shall  
6 collect a repeat sample set as described in paragraph (a)(1) within 24  
7 hours of being notified of the positive result. The repeat samples  
8 shall all be collected within the same 24 hour period.

9  
10 **California Code of Regulations, Title 22, Section 64424, subsection (a)(1)**  
11 **provides, in relevant part:**

12  
13 (a)(1) For a water supplier that normally collects one or fewer samples  
14 per month, a repeat sample set shall be at least four samples for each  
15 total coliform-positive sample.

16  
17 **California Code of Regulations, Title 22, Section 64534.4, subsection (a)**  
18 **provides, in relevant part:**

19  
20 (a) Community and nontransient noncommunity water systems that use  
21 chlorine or chloramines shall measure the residual disinfectant levels  
22 at the same points in the distribution system and at the same time as  
23 total coliforms are sampled, as specified in Section 64421.



1  
2 **California Code of Regulations, Title 22, Section 64430 provides, in relevant**  
3 **part:**

4  
5 A public water system that uses ground water shall comply with the  
6 following provisions of 40 Code of Federal Regulations as they appear in  
7 the Ground Water Rule published in 71 Federal Register 65574  
8 (November 8, 2006) and amended in 71 Federal Register 67427  
9 (November 21, 2006) and 74 Federal Register 30953 (June 29, 2009),  
10 which are hereby incorporated by reference: Sections 141.21(d)(3),  
11 141.28(a), 141.153(h)(6), Appendix A to Subpart O (Consumer  
12 Confidence Reports), 141.202(a)(8), 141.203(a)(4), Appendices A and B  
13 to Subpart Q (Public Notification), and 141.400 through 141.405.

14  
15 **California Code of Regulations, Title 22, Addendum A: CA Ground Water Rule –**  
16 **A reference to text adopted pursuant to Section 64430, provides, in relevant**  
17 **part:**

18  
19 (a) *Triggered source water monitoring —*

20 (1) *General requirements.* A ground water system must conduct  
21 triggered source water monitoring if the conditions identified in  
22 paragraphs (a)(1)(i) and (a)(1)(ii) of this section exist.

23 (i) The system does not provide at least 4-log treatment of  
24 viruses (using inactivation, removal, or a State-  
25 approved combination of 4-log virus inactivation and  
26 removal) before or at the first customer for each ground  
27 water source; and



1  
2 (ii) The system is notified that a sample collected under 22  
3 California Code of Regulations sections 64422 and  
4 64423 is total coliform-positive and the sample is not  
5 invalidated under 22 California Code of Regulations  
6 section 64425.

7 (2) *Sampling requirements.* A ground water system must collect,  
8 within 24 hours of notification of the total coliform-positive  
9 sample, at least one ground water source sample from each  
10 ground water source in use at the time the total coliform-  
11 positive sample was collected under 22 California Code of  
12 Regulations sections 64422 and 64423, except as provided in  
13 paragraph (a)(2)(ii) of this section.

14  
15 **STATEMENT OF FACTS**

16 The MSMWC water system is operated under Water Supply Permit No. 02-17-07P-  
17 4300740, issued on August 23, 2007. MSMWC is located in the Santa Cruz  
18 Mountains, south of Los Gatos, CA, and receives water from a ground water well and  
19 through a connection with San Jose Water Company. MSMWC has a disinfection  
20 treatment system, four storage tanks, and a distribution system.

21  
22 MSMWC serves water to approximately 49 customers via 18 service connections.  
23 According to Table 64423-A, MSMWC is required to collect at least one  
24 bacteriological sample per month.

25  
26 Currently, MSMWC collects one sample per month as specified in the Division-  
27 approved Bacteriological Sampling Plan dated November 8, 2010. Therefore



1  
2 MSMWC is required to collect at least four repeat samples in the case of a total  
3 coliform-positive sample.

4  
5 On April 15, 2015, MSMWC collected one routine sample which tested "present" for  
6 total coliform and "absent" for *E. Coli*. One repeat sample was collected on April 22,  
7 2015 and was both total coliform and *E. Coli* negative. Distribution system repeat  
8 sampling did not occur 24 hours after notification of the positive result and was not  
9 performed as required by MSMWC's Bacteriological Sampling Plan. All four  
10 distribution system sampling locations were not sampled as required. The repeat  
11 sample was also not measured for residual disinfectant levels as stated in regulations.  
12 MSMWC's groundwater well was also not sampled as required.

13  
14 The Division learned of the monitoring results on May 11, 2015 after the laboratory  
15 results were received electronically on May 10, 2015. On May 11, 2015, the Division  
16 contacted the contract operator and immediately required MSMWC to immediately  
17 perform the missed monitoring at the ground water well and to correctly monitor at all  
18 four distribution locations.

19  
20 With untimely and incomplete repeat distribution system sampling collected following  
21 the April total coliform positive, MSMWC is in violation of the total coliform repeat  
22 monitoring and reporting requirements during April 2015.

23  
24 With failure to provide disinfectant residual level results taken at the same points in  
25 the distribution system and at the same time as the total coliforms are sampled,  
26 MSMWC is in violation of the disinfectant residual monitoring and reporting  
27 requirements during April 2015.



1  
2 With the incomplete groundwater source sampling following the April total coliform  
3 positive, MSMWC is in violation of the ground water monitoring and reporting  
4 requirements during April 2015.

5  
6 **DETERMINATION**

7 The Division has determined that MSMWC failed to comply with the total coliform  
8 repeat monitoring and reporting requirements, disinfectant residual monitoring and  
9 reporting requirements, and ground water monitoring and reporting requirements  
10 during April 2015.

11  
12 **DIRECTIVES**

13 MSMWC is hereby directed to take the following actions:

- 14
- 15 1. Forthwith, MSMWC shall cease and desist from failing to comply with Subsection  
16 64424(a) and Subsection (a)(1), Chapter 15, Title 22, CCR, immediately.
  - 17
  - 18 2. Forthwith, MSMWC shall cease and desist from failing to comply with Subsection  
19 64534.4(a), Chapter 15, Title 22, CCR, immediately.
  - 20
  - 21 3. Forthwith, MSMWC shall cease and desist from failing to comply with Subsection  
22 64430 Chapter 15, Title 22, CCR, immediately.
  - 23
  - 24 4. Conduct public notification for the total coliform repeat monitoring and reporting  
25 violation, disinfectant residual monitoring and reporting violation, and the ground  
26 water monitoring and reporting violation within one year in conformance with  
27 Section 64463.7(c), Chapter 15, Title 22, CCR. The notification shall be  
completed in accordance with the following:





1  
2 Mail or direct delivery to each customer receiving a bill including those  
3 that provide their drinking water to others (e.g., schools, apartment  
4 building owners, etc.) and other service connections to which water is  
5 delivered by the water system and posting in conspicuous public places  
6 served by the water system to reach persons not likely to be reached by  
7 a mailing or direct delivery (renters, community center users, etc.).  
8

9 Proof of notification must be provided to the Division. This can be met by  
10 submitting a completed Proof of Notification form (Attachment enclosed) and a  
11 copy of the notice issued within 14 days of completing the notification. The notice  
12 must be approved by the Division prior to distribution.  
13

- 14 5. Prepare a written Corrective Action Plan (CAP) based on investigation findings.  
15 The plan shall include an evaluation of the causes of the bacteriological problem  
16 and the preventative measures to be taken to reduce the possibility of  
17 bacteriological contamination in the future. In addition, include specific actions  
18 that will be taken to prevent future bacteriological sampling procedural violations.  
19 This plan shall include a strategy to ensure that all monitoring is completed as  
20 required and on time. A back-up person must also be identified, trained, and  
21 available to collect the required samples in the event the designated sampler is  
22 unavailable. Submit the CAP to the Division by June 30, 2015.  
23
- 24 6. Within 30 days of receipt of this Citation, MSMWC shall agree in writing to comply  
25 with all directives of this Citation.  
26  
27



1  
2 The Division reserves the right to make such modifications to this Citation as it may  
3 deem necessary to protect public health and safety. Such modifications may be  
4 issued as amendments to this Citation, and shall be deemed effective upon issuance.

5  
6 Nothing in this Citation relieves MSMWC of its obligation to meet the requirements of  
7 the California Safe Drinking Water Act, or of any regulation, permit, standard, or order  
8 issued or adopted thereunder.

9 All submittals required by this Citation shall be submitted to the Division at the  
10 following address:

11 Mr. Eric Lacy, P.E.  
12 District Engineer, Santa Clara District  
13 Division of Drinking Water  
14 State Water Resources Control Board  
15 850 Marina Bay Parkway  
16 Building P, 2<sup>nd</sup> Floor  
17 Richmond, CA 95804-6403

18 **PARTIES BOUND**

19 This Citation shall apply to and be binding upon MSMWC, its officers, directors,  
20 shareholders, agents, employees, contractors, successors, and assignees.

21 **SEVERABILITY**

22 The Directives of this Citation are severable, and MSMWC shall comply with each and  
23 every provision thereof, notwithstanding the effectiveness of any other provision.

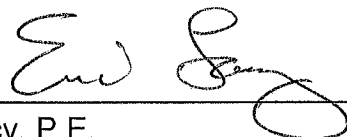
24 **FURTHER ENFORCEMENT ACTION**

25 The California SDWA authorizes the Division to: issue citation with assessment of  
26 administrative penalties to a public water system for violation or continued violation of  
27



1  
2 the requirements of the California SDWA or any permit, regulation, permit or order  
3 issued or adopted thereunder including, but not limited to, failure to correct a violation  
4 identified in a citation or compliance order. The California SDWA also authorizes the  
5 Division to take action to suspend or revoke a permit that has been issued to a public  
6 water system if the system has violated applicable law or regulations or has failed to  
7 comply with an order of the Division; and to petition the superior court to take various  
8 enforcement measures against a public water system that has failed to comply with  
9 violates an order of the Division. The Division does not waive any further enforcement  
10 action by issuance of this citation.

11  
12 May 13, 2015  
13 Date

14   
15 Eric Lacy, P.E.,  
16 District Engineer  
17 Division of Drinking Water  
18 State Water Resources Control Board

19 Attachments:

- 20 1. Proof of Notification Form

21 cc: Santa Clara County Environmental Health Department

22 CERTIFIED MAIL # 7007 1490 0001 6530 2344  
23  
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## PROOF OF NOTIFICATION

Water System Name: Mountain Springs Mutual Water Company  
Water System Number: 4300740

As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by Mountain Springs Mutual Water Company of the total coliform repeat monitoring and reporting violation, disinfectant residual monitoring and reporting violation, and the ground water rule monitoring and reporting violation during April 2015. I complied with the directives of the State Water Resources Control Board Division of Drinking Water as indicated below:

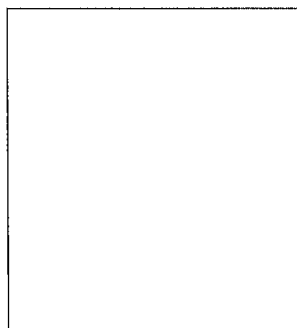
Required Action

Date Completed

Public Notification by mail or direct delivery to all  
customers by May 13, 2016

**and**

Posting in conspicuous places served by the water system  
by May 13, 2016.



\_\_\_\_\_  
Signature of Water System Representative

\_\_\_\_\_  
Date

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DIVISION.  
A COPY OF THE PUBLISHED NOTICE, DELIVERED NOTICE, AND POSTED NOTICE  
MUST BE ATTACHED TO THIS FORM**

**Disclosure:** Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached citation may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.